

April 29 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0581

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SUMMER LEE MANYWHITEHORSES,

Defendant and Appellant.

FILED

APR 29 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND  
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until June 7, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 29th day of April, 2010.

STEVE BULLOCK  
Montana Attorney General  
P.O. Box 201401  
215 North Sanders  
Helena, MT 59620-1401

By: *Tammy K Plubell*  
TAMMY K PLUBELL  
Assistant Attorney General

STATE OF MONTANA            )  
  : ss.  
County of Lewis and Clark    )

I, Tammy K Plubell, being first duly sworn upon my oath, depose and state as follows:


1. I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the State's response brief in the above-entitled matter.
2. The State's brief was originally due April 8, 2010. Counsel for the State has asked for one extension, and the brief is currently due on May 7, 2010. I was out of the office from March 26, 2010 until April 5, 2010.
3. I am unable to meet the present deadline for filing the State's brief and am requesting a thirty-day extension of time to June 7, 2010. I have substantial need for an extension. I filed a response brief in State v. Price, DA-09-0533, on March 30, 2010 and a response brief in State v. Charlie, DA-09-0430 on April 28, 2010.
4. Further, I have an oral argument scheduled in State v. James, DA-09-0280, for April 30, 2010 and an oral argument scheduled in State v. Gunderson, DA-08-0499 for May 14, 2010.
5. Counsel for the State will be out of State on May 6th and 7th, 2010.

6. Opposing counsel has been contacted concerning this motion, and does not object.

7. Further your affiant sayeth naught.

  
TAMMY K PLUBELL

SUBSCRIBED AND SWORN to before me this 29th day of April, 2010.

  
MARY L. ADAMS  
Notary Public for the State of Montana  
Residing at Helena, Montana  
My commission expires August 16, 2010.

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time, to be mailed, first class postage prepaid, to:

Mr. Eli M. Parker  
Office of the State Public Defender  
610 North Woody Street  
Missoula, MT 59802-4143

Mr. John Parker  
Cascade County Attorney  
121 Fourth Street North  
Great Falls, MT 59401

DATED: April 29th James H. Deibel